

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Jonathan New
Robertson Beckerlegge
Robyn Feldstein

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FREDERIC Z. KONIGSBERG, SUSAN M.
KONIGSBERG, BRADERMAK, LTD.,

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04394 (SMB)

BRADERMAK EQUITIES CORP., LEE
RAUTENBERG, JAN STAHL, GERI STAHL, H.
PETER STEIL, APO HEALTH, INC. PSP F/B/O
H. PETER STEIL, APO HEALTH, INC. PSP
F/B/O JAN STAHL, BUYER'S ALTERNATIVES,
INC. PSP F/B/O JAN STAHL, and PJS
TRADING, INC. PSP F/B/O JAN STAHL,

Defendants.

TRUSTEE'S REQUEST TO ENTER DEFAULT

To: CLERK OF THE COURT
UNITED STATES BANKRUPTCY COURT

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, respectfully requests that the Clerk of the Court issue a Certificate of Default against defendants Bradermak Equities Corp., pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7055 of the Federal Rules of Bankruptcy Procedure, for failure to plead or otherwise defend the above-captioned action as it fully appears from the Court file and from the attached Affidavit.

WHEREFORE, the Trustee respectfully requests that this Court grant the Trustee's Motion in its entirety and provide for such other relief as this Court deems just and proper.

Dated: New York, New York
June 23, 2014

Respectfully submitted,



BAKER & HOSTETLER LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com
Robertson Beckerlegge
Email: rbeckerlegge@bakerlaw.com
Jonathan New
Email: jnew@bakerlaw.com
Robyn Feldstein
Email: rfeldstein@bakerlaw.com

*Attorneys for Irving H. Picard, Esq., Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
And Bernard L. Madoff*

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona
Jonathan New
Robertson Beckerlegge
Robyn Feldstein

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FREDERIC Z. KONIGSBERG, SUSAN M.
KONIGSBERG, BRADERMAK, LTD.,

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 09-1154 (SMB)

BRADERMAK EQUITIES CORP., LEE
RAUTENBERG, JAN STAHL, GERI STAHL, H.
PETER STEIL, APO HEALTH, INC. PSP F/B/O
H. PETER STEIL, APO HEALTH, INC. PSP
F/B/O JAN STAHL, BUYER'S ALTERNATIVES,
INC. PSP F/B/O JAN STAHL, and PJS
TRADING, INC. PSP F/B/O JAN STAHL,

Defendants.

AFFIDAVIT SUPPORTING ENTRY OF DEFAULT

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

Jonathan New, being duly sworn, hereby attests as follows:

1. I am a member of the Bar of this Court and a partner at the firm of Baker & Hostetler LLP, which is counsel for Irving H. Picard ("Trustee"), Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* ("SIPA") and the estate of Bernard L. Madoff, individually.

2. On November 30, 2010, the Trustee commenced this adversary proceeding by filing a complaint (the "Complaint") against Frederic Z. Konigsberg, Susan M. Konigsberg, Bradermak, Ltd., Bradermak Equities Corp., Lee Rautenberg, Jan Stahl, Geri Stahl, H. Peter Steil, APO Health, Inc. PSP F/B/O H. Peter Steil, APO Health, Inc. PSP F/B/O Jan Stahl, Buyer's Alternatives, Inc. Psp F/B/O Jan Stahl, PJS Trading, Inc. PSP F/B/O Jan Stahl ("Defendants"). (Dkt. No. 1.) The Complaint asserted claims pursuant to sections 78fff(b), 78FFF-1(a) and 78fff-2(c)(3) of SIPA, sections 105(a), 544, 548(a), 550(a), and 551 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.*, and other applicable law, seeking the avoidance and recovery of fraudulent transfers in

connection with certain transfers of property by BLMIS to or for the benefit of Defendants. (*Id.*).

3. On February 2, 2011, the Clerk of this Court issued a summons upon Defendants. (Dkt. No. 3.)

4. On February 2, 2011 the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon Bradermak Equities Corp. ("Defaulting Defendant"). An Affidavit of Service evidencing proper and timely service was filed with the Court. (*See* Ex. A, Affidavit of Service; Dkt. No. 4).

5. Pursuant to the Order (1) Establishing Litigation Case Management Procedures For Avoidance Actions And (2) Amending The February 16, 2010 Protective Order governing the litigation of certain avoidance actions, including this adversary proceeding, the time by which Defaulting Defendant may answer or otherwise move with respect to the Complaint expired on April 4, 2011. (*See* Dkt. No. 3).

6. Despite being duly served with the Summons and Complaint, Defaulting Defendant did not file an answer, move, or otherwise respond to the Complaint on or before April 4, 2011.

7. The Defaulting Defendant is a business entity and therefore is neither an infant nor incompetent.

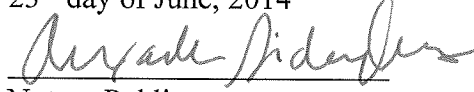
8. Moreover, because the Defaulting Defendant is a business entity, the protections afforded under the Servicemember's Civil Relief Act of 2003 should not apply.

9. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

/s/

Jonathan New

Sworn to before me this
23rd day of June, 2014



Notary Public

ALEXANDRA SIDIROPOULOS
Notary Public - State of New York
No. 01SI6264253
Qualified in New York County
My Commission Expires July 25, 2016

UNITED STATES BANKRUPTCY COURT
Southern District of New York

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (BRL)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.
BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Case No. 09-11893 (BRL)

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04394 (BRL)

Plaintiff,

v.

FREDERIC Z. KONIGSBERG, SUSAN M.
KONIGSBERG, BRADERMAK, LTD.,
BRADERMAK EQUITIES CORP., LEE
RAUTENBERG, JAN STAHL, GERI STAHL, H.
PETER STEIL, APO HEALTH, INC. PSP F/B/O
H. PETER STEIL, APO HEALTH, INC. PSP
F/B/O JAN STAHL, BUYER'S ALTERNATIVES,
INC. PSP F/B/O JAN STAHL, and PJS
TRADING, INC. PSP F/B/O JAN STAHL,

Defendants.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

) ss:

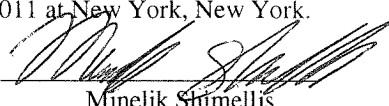
COUNTY OF NEW YORK)

I, Minelik Shimellis declare:

1. I am over the age of 18 years and not a party to these chapter 11 cases.

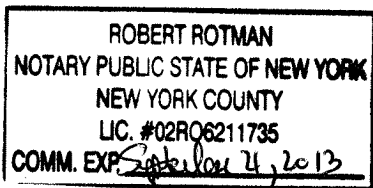
2. I am employed by Donlin, Recano & Company, Inc., 419 Park Avenue South, Suite 1206, New York, NY 10016.
3. On the 2nd day of February, 2011, I caused a true and accurate copy of the:
 - (i) "Complaint", along with the relevant exhibits (Docket No. 1); and the
 - (ii) "Notice of Applicability of the Order Approving Case Management Procedures for Avoidance Actions" (Docket No. 2); and the
 - (iii) "Summons and Notice of Pretrial Conference in An Adversary Proceeding" (Docket No. 3); and the
 - (iv) "Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order" dated November 11, 2010; and the
 - (v) "Avoidance Action Executive Summary Letter dated December 20, 2010"; and the
 - (vi) "Second Amended Notice of Omnibus Avoidance Action Hearing Dates",to be served upon the parties listed on Exhibit 1, attached hereto, via First Class US Mail.
4. Said documents were securely enclosed in postage prepaid envelopes and delivered to an office of the United States Postal Service for delivery by First Class Mail.
5. I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed this 2nd day of February, 2011 at New York, New York.

By


Minelik Shimellis

Sworn before me this
2nd day of February, 2011


Notary Public



Date : 2/2/2011

Adv Pro No: 10-04394 (BRL)

Page # : 1

Exhibit 1

Redacted Version

FREDERIC Z. KONIGSBERGFREDERIC Z. KONIGSBERG
ROSLYN NY 11576

004603 010268

SUSAN M. KONIGSBERGSUSAN M. KONIGSBERG
ROSLYN NY 11576

004604 010270

BRADERMAK, LTD.BRADERMAK, LTD.
ROSLYN NY 11576

004605 010273

BRADERMAK, LTD.
GARDEN CITY PARK NY 11040

004605 010276

BRADERMAK EQUITIES CORP.BRADERMAK EQUITIES CORP.
ROSLYN NY 11576

004606 010277

BRADERMAK EQUITIES CORP.
GARDEN CITY PARK NY 11040

004606 010278

LEE RAUTENBERGLEE RAUTENBERG
BOCA RATON FL 33496

004607 010280

JAN STAHLJOHN E. LAWLOR, ESQ.
129 THIRD STREET
MINEOLA NY 11501

Counsel - 004608 011914

GERI STAHLJOHN E. LAWLOR, ESQ.
129 THIRD STREET
MINEOLA NY 11501

Counsel - 004609 011915

H. PETER STEILJOHN E. LAWLOR, ESQ.
129 THIRD STREET
MINEOLA NY 11501

Counsel - 004610 011916

Date : 2/2/2011

Adv Pro No: 10-04394 (BRL)

Page # : 2

Exhibit 1

Redacted Version

APO HEALTH INC. PSP F/B/O H. PETER STEIL

JOHN E. LAWLOR, ESQ.
129 THIRD STREET
MINEOLA NY 11501

Counsel - 004612 011917

APO HEALTH, INC. PSP F/B/O JAN STAHL

JOHN E. LAWLOR, ESQ.
129 THIRD STREET
MINEOLA NY 11501

Counsel - 004613 011918

BUYER'S ALTERNATIVES, INC. PSP F/B/O JAN STAHL

JOHN E. LAWLOR, ESQ.
129 THIRD STREET
MINEOLA NY 11501

Counsel - 004614 011919

PJS TRADING, INC. PSP F/B/O JAN STAHL

JOHN E. LAWLOR, ESQ.
129 THIRD STREET
MINEOLA NY 11501

Counsel - 004615 011920